

STATE OF THE UNION.

S P E E C H

OF

HON. JAMES M. QUARLES,

OF TENNESSEE,

Delivered in the House of Representatives, February 1, 1861.

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S P E E C H .

The House having under consideration the report from the select committee of thirty-three—

Mr. QUARLES said:

MR. SPEAKER: I have not sought the floor in the vain belief that any feeble utterances of mine can stay the tide of events which is, I fear, bearing us with irresistible force into the maelstrom of anarchy and civil war; but in the hope that I may possibly induce gentlemen on both sides of the House to pause and reflect before they plunge our common country irrevocably into revolution and fraternal strife. Sir, I should be recreant to the high trusts which a generous and patriotic constituency have confided to me, if I did not exert my every energy to allay the excitement which now unhappily pervades every section of our country, and do every act which patriotism can prompt to give peace to our distracted land. This is not the time for disquisitions upon the theory of our Constitution, or for refined and critical distinctions between the rights of the Federal Government and those reserved to the States. Revolution actually exists, and we must deal with stern and unyielding facts. Six of our sister States have shot madly and hurriedly from their accustomed orbits, and no longer revolve around our Federal governmental center. The "sweet wreath of our Union has been unbound," universal distrust and wide-spread pecuniary disaster pervades every circle of society and all the avocations of life; and it is the first and highest duty of a patriot and Representative to address himself to the task of composing the differences which have produced these baneful consequences.

Mr. Speaker, there is no man who has less sympathy with the hasty and reckless course of our sister States of the South, in their wild scheme of disunion, than myself. They have been rash and precipitate in their action, and have refused even to advise and consult with us of the border slave States, whose interests were to be so materially affected by their action; but, in a delirium of excitement, which seems to have overborne their reason, they have rushed madly on, reckless of consequences to themselves or others. And without stopping to refute the political heresy of secession, under cover of which they seek to shelter themselves, I content myself with the declaration that I believe it has no warrant in the Constitution of the United States. I think, sir, that when our forefathers adopted our present form of Government, they intended that it should be enduring, and were not guilty of the folly of leaving a reserved right in any one of the States to destroy the very Government they ordained, and consequently every right which was expressly delegated to it. I do believe, however, in the sacred right of revolution; and whenever any Government becomes oppressive to its citizens, it is as well their right as it is their solemn duty to throw it off, and establish such a form of government as is consonant with their honor, liberty, and interests. This is the right our fathers exercised when they threw off the yoke of British domination and tyranny; and this is the word they used to describe it. It is the bolder and manlier word, and savors of the spirit of 1776. I deny the constitutional right of any State to secede from the Union, but affirm the inalienable, inherent right of every free man in it to revolutionize his Government whenever it becomes oppressive and destructive of the ends for which it was formed.

But sir, in order to get at the true cause of the revolution now in progress in the Gulf States, it is necessary to revert to the initial point. Why this dissatisfaction among whole communities in the South? Is there no cause for it, or does it exist alone in the distempered imaginings of southern gentlemen? Let us arrive at a correct diagnosis of this political disease; and, if possible, eradicate it. Northern gentlemen ask for a specification of southern wrongs and grievances, and declare readiness to consider them. The differences which exist between the two sections, in my judgment, sir, consists, not so much in any particular acts of the northern States, although I could enumerate many which are violative both of the Constitution of the United States and the rights of property of citizens of the southern

States, but in the fact that an overshadowing and dominant party has arisen in the free States of this Union, the leading, vital, and controlling principle of which is hostility to slavery, with the avowed and openly declared policy that the paramount domestic institution of the southern States shall be forever excluded from the common Territories; and declares, in the most deliberate and well-considered resolves of both conventions and Legislatures, that slavery is a great moral and political evil, and, as such, should be abolished wherever the Federal Government has the power, under the Constitution, to do so; and, with this one idea of anti-slavery, as a common party vinctulum, have nominated and elected a President and Vice-President of the United States, both residing in free States; and have succeeded in consolidating the entire North in their support.

The free States, with a system of labor dissimilar to that of the slave States, have a large majority in every department of the Government; and the Republican party now controls every free State in the Union—the free States being nineteen, while the slave States are but fifteen. This is a new phase in the politics of the country; and the slave States, being the weaker, are at the mercy of the dominant section. This, sir, is the true source of uneasiness and distrust on the part of the South. They know their weakness and your power; and it is from the avowed hostility of the dominant section to one of the most cherished institutions of the weaker section that this apprehension and anxiety springs. And it is for this reason you see southern men asking further constitutional guarantees and a more explicit recognition of their peculiar institution—slavery—in the organic law of our Government.

And this brings me, sir, to the consideration of the several propositions now before the House; and I shall discuss them in the order in which they stand for our action. First, the proposed amendments to the Constitution, offered by Mr. CRITTENDEN in the Senate, and moved in this House by Mr. CLEMENS, of Virginia, as an amendment to the propositions of the committee of thirty-three; which provide as follows:

Whereas serious and alarming dissensions have arisen between the northern and southern States, concerning the rights and security of the rights of the slaveholding States, and especially their rights in the common territory of the United States; and whereas it is eminently desirable and proper that those dissensions, which now threaten the very existence of this Union, should be permanently quieted and settled by constitutional provisions, which shall do equal justice to all sections, and thereby restore to the people that peace and good will which ought to prevail between all citizens of the United States: Therefore,

Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring.) That the following articles be and are hereby, proposed and submitted as amendments to the Constitution of the United States, which shall be valid to all intents and purposes as part of said Constitution, when ratified by conventions of three fourths of the several States.

ARTICLE 1. In all the territory of the United States now held or hereafter acquired, situate north of latitude 36° 30', slavery or involuntary servitude, except as a punishment for crime, is prohibited while such territory shall remain under territorial government. In all the territory south of said line of latitude slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments of the territorial government during its continuance; and when any territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then Federal ratio of representation of the people of the United States, it shall, if its form of government be republican be admitted into the Union on an equal footing with the original States, with or without slavery; as the constitution of such new State may provide.

ART. 2. Congress shall have no power to abolish slavery in places under its exclusive jurisdiction, and situate within the limits of States that permit the holding of slaves.

ART. 3. Congress shall have no power to abolish slavery within the District of Columbia so long as it exists in the adjoining States of Virginia and Maryland, or either, nor without the consent of the inhabitants, nor without just compensation first made to such owners of slaves as do not consent to such abolition. Nor shall Congress at any time prohibit officers of the Federal Government or members of Congress, whose duties require them to be in said district, from bringing with them their slaves and holding them as such during the time their duties may require them to remain there, and afterwards taking them from the District.

ART. 4. Congress shall have no power to prohibit or hinder the transportation of slaves from one State to another, or to a Territory in which slaves are by law permitted to be held, whether that transportation be by land, navigable rivers, or by the sea.

ART. 5. That in addition to the provisions of the third paragraph of the second section of the fourth article of the Constitution of the United States, Congress shall have power to provide by law, and it shall be its duty so to provide, that the United States shall pay to the owner who shall apply for it the full value of his fugitive slave, in all cases when the marshal, or other officer, whose duty it was to arrest said fugitive, was prevented from so doing by violence or intimidation, or when after arrest said fugitive was rescued by force, and the owner thereby prevented and obstructed in the pursuit of his remedy for the recovery of his fugitive slave, under the said clause of the Constitution and the laws made in pursuance thereof. And in all such cases, when the United States shall pay for such fugitive, they shall have the right, in their own name, to sue the county, city, or town, in which said violence, or intimidation, or rescue was committed, and to recover from it, with interest and damages, the amount paid by them for said fugitive slave. And the said county, city, or town, after it has paid said amount to the United States, may, for its indemnity, sue and recover from the wrong doers, or rescuers, by whom the owner was prevented from the recovery of his fugitive slave, in like manner as the owner himself might have sued and recovered.

ART. 6. No future amendment of the Constitution shall affect the five preceding articles, nor the third paragraph of the second section of the first article of the Constitution, nor the third paragraph of the second section of the fourth article of said Constitution; and no amendment shall be made to the Constitution which will authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is or may be allowed or permitted.

The first and most important of these proposed amendments to the Constitution establishes the old Missouri compromise line by constitutional amendment—the Supreme Court having decided that it could not be done by congressional enactment. Mr. Speaker, in order that we may properly understand and appreciate the present status of the slavery question, as connected with the Territories, it is necessary that we shall take a hurried glance at our territorial policy since the formation of our Government, and see if we can deduce from it any principles of equitable compromise, on which we can all honorably and consistently act, and settle our present differences.

In 1783, when our treaty of peace was made with Great Britain, by which our independence as a nation was secured to us, and acknowledged by that Power, no State now free owned one acre of land outside of its then boundary as a State; nor did one of them cede to the General Government one foot of land. The States now known as the slave States of the Union, owned an aggregate territory of 638,016 square miles; and the States known as the free States an aggregate of territory of 169,662 square miles—the now slave States owning 468,354 square miles more territory than the now free States; the slave States owning nearly four times as much territory as the free States.

Now, sir, let me ask my northern brother, how the slave States disposed of this vast domain? Did they retain it with the view of extending slavery into it, and upon the idea of slavery extension, take control of the Government, to the entire exclusion of our northern brothers? They might have done it. The South was then strong, and you weak. Did they use their strength to retard the growth of any of your material interests? No, sir. But with a lavish and munificent hand they gave you of their abundance—Virginia alone giving to you 239,558 square miles, and forever prohibiting slavery in it, thereby swelling your aggregate of territory from 169,662 square miles to 409,220, and reducing the aggregate of slave territory from 638,016 square miles to 398,458; from which generous cession you have since erected the great States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. And yet, sir, I hear men of my own section on this floor, as well as from the North, declare that the whole force of the Government has heretofore been wielded for the extension of the institution of slavery, and against the North. Sir, it is grossly erroneous, and wholly unsustained by the facts.

But I beg gentlemen of the North to follow me yet further in the investigation of this question, to the next partition of territory; for we have always, until the last acquisition—that under the treaty of Guadalupe-Hidalgo—divided our territorial acquisitions between the North and the South. By the treaty of Paris, made on the 30th day of April, 1803, we purchased from the Government of France the Louisiana territory, extending from the mouth of the Mississippi to Vancouver's Island, and containing an area of 1,136,496 square miles; every foot of which was slave territory, and by the terms of the purchase made so; and our Government was pledged to protect it. Article third of said treaty is in the following words:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the mean time, they shall be *maintained* and *protected* in the free enjoyment of their liberty, property, and the religion which they profess."

No one doubts or questions, sir, that in all this vast extent of territory, wherever settled—and there were many settlements on it—slaves were held as property; and this article of the treaty of Paris has always been understood, both contemporaneously and since, to pledge our Government to the protection of this species of property in the Louisiana Territory while its territorial condition remained. But in 1820 we established the line of 36° 30' north latitude, and prohibited slavery in all that portion of this vast empire north of that line; which gave to the North 977,602 square miles, retaining for the slave States only 158,894 square miles. Thus, in the partition of a territory all slave by the terms of the treaty by which it was acquired, the South relinquished to the North 818,708 square miles more of territory than she retained to

her own use. Can it be asserted that this is illiberal—that this is using the power of the Government for the aggrandizement of the South, and to the detriment of the North? The South might have retained all this. Nor did our fathers think, when they confidently yielded to you this vast preponderance over them in the Government as a section, that it would ever be used to crush the South and destroy its most cherished institution.

But, sir, I must hurry on, for my hour is fast expiring.

By the Florida purchase, the slave States acquired a territory of 59,268 square miles; and by the annexation of Texas, 274,356 square miles, making a total of 333,624 square miles. By the treaty of Gaudalope Hidalgo, our total acquisition of territory was 665,486 square miles. Of this the North has already acquired California, containing 188,981 square miles; leaving now undisposed of New Mexico and Utah, which contain 476,505 square miles.

I ask, sir, to recapitulate the statistics which I have collected, from the report of the Commissioner of the Land Office:

	<i>Square miles.</i>
In 1783 the South owned.....	638,026
Virginia ceded.....	239,558
Leaving the South but.....	398,458
From the Louisiana purchase the South acquired but.....	158,896
Florida.....	59,268
Texas.....	274,356
Present South.....	890,978
Total increase of the South.....	252,962
In 1783 the North had.....	169,662
Virginia secession.....	239,558
Louisiana purchase.....	977,602
Mexican treaty.....	188,981
	1,575,803
Total increase of the North since 1783.....	1,406,151

In the seventy-seven years which have elapsed since our independence as a nation of the earth was acknowledged by Great Britain, the southern or slave States have gained, in territory, 252,962 square miles, while the North, or free States, have gained, since the same period, 1,406,141 square miles. The South has increased the area of slave territory about 33 per cent., while the North has increased the area of free territory over 1,000 per cent. In 1,217,160 square miles of the territory thus acquired by the North, slavery existed by law at the time of its acquisition by our Government, and from which it has been abolished. In the 252,962 square miles of territory acquired by the South, slavery existed at the time of the acquisition, and continues yet to exist. Now, sirs, with these facts before us—and they are reliable—how can gentlemen say that the powers of the Federal Government have been used to foster, protect, and extend slavery at the expense of the free States. The statement is wholly untrue, and cannot be sustained. Thus much I desired to say, sir, in defense of my section, which has been grossly misrepresented upon this subject.

The question now for our immediate action is, how shall we dispose of the four hundred and seventy-six thousand five hundred and five square miles of territory embraced in the Territories of Utah and New Mexico? I think, sir, the proposition of the distinguished Senator from Kentucky, [Mr. CRITTENDEN] disposes of this question justly, fairly, and honorably to both sections, and should therefore be adopted. It protracts the time-honored Missouri compromise line through the Territory of New Mexico; prohibiting slavery on the north of that line and protecting it on the south of the line, while it is a Territory; leaving the people on each side of this line of partition the option to have slavery or not, as they may choose, when they form a constitution, preparatory to admission into the Union. Does this not strike gentlemen of the North as equitable, as reasonable? You of the North will

by this have the lion's share of that which remains. But I am answered by the gentlemen of the Republican party that this would be inconsistent with the platform of their party as pronounced at Chicago last June, and that they cannot consent to protect slavery anywhere. I would appeal to gentlemen of that party to sink the partisan in the patriot, to lift their heads above the murky atmosphere of party politics, and remember that they have a country to serve, as well as a party to obey. In every compromise, each party and each section must yield some of its claims. It was in this spirit our fathers formed our Constitution and organized our present form of government.

Now, let us see what each will gain and lose by the adoption of this amendment. You of the Republican party claim that you have the constitutional right, and it is your duty to exclude slavery from all the common Territories; and you say so in your platform, upon which you have elected Mr. Lincoln. This right is denied by all parties at the South, and by many at the North; but we are not left in doubt about it, for the Supreme Court of the United States has expressly decided that a citizen may go to any Territory of the United States and take with him his slave, and that the General Government is bound, under the Constitution, to protect him in his right of property in the slave so carried to the Territory, as long as its territorial condition remains.

Chief Justice Taney, in the case of *Dred Scott vs. Sanford*, thus decides:

"Every citizen of the United States has a right to take with him into the Territory any article of property which the Constitution of the United States recognizes as property. The Constitution of the United States recognizes slaves as property, and pledges the Federal Government to protect it. And Congress cannot exercise any more authority over property of that description than it may, constitutionally, over property of any other kind."

Thus we see that a slaveowner has now the right, under the Constitution, to go with his slave property to any part of our common territory and keep his slave there, and it is the duty of the Federal Government to protect him in the right of property in his slave so carried. Now if the South give up this right north of this line, in more than half of the territory now under consideration, is it too much for us of the South to ask you of the North to agree and consent that this principle of constitutional law, as expounded by the highest tribunal known to our laws, shall remain in force south of the line of partition? We ask for no new right south of this line; but yield to you our right, judicially established by the court of last resort, in more than half the territory, in consideration that you will not abolish our constitutional rights south of the line. Surely, a fair-minded man will accede to this proposition.

But you say this territory was free when acquired from Mexico. Granted. But I beg you to remember that every other acquisition of territory was slave, and we have three times divided slave territory with you. Can you not now, for the sake of peace and quiet, and for the preservation of our common Union, divide even free territory with us? But if it was free when acquired, it is now slave, and we do not even ask you to change the condition of that portion of the territory south of the line; but to take it as we find it, with the laws which the people of New Mexico have chosen to enact for themselves, for slavery has already been established by a law of the Territory, which is now in full force. Is this unreasonable? Cannot our northern friends give to us of the South this fair, equitable, and just demand? If not, then I fear the days of our Republic are numbered; and the greatest, best, and freest Government on earth will be destroyed, and forever. I will ask, sir, to be permitted to read the law of New Mexico, establishing slavery in that Territory:

"An act to provide for the protection of property in slaves in this Territory."

"Be it enacted by the Legislative Assembly of the Territory of New Mexico, That every person who shall be convicted of the unlawful killing of a slave, or other offense upon the person of a slave within this Territory, whether as principal or accessory, shall suffer the same pains and penalties as if the party upon whose person the offense was committed had been a free white person.

"Sec. 2. Every person who shall steal any slave with the intent that the owner, or any one having an interest in such slave, present or future, vested or contingent, legal or equitable, shall be deprived of the use or benefit of such slave, shall, upon conviction, suffer imprisonment for a term not more than ten nor less than four years, and be fined in a sum not more than \$2,000 nor less than \$500. And every person

'who shall, by violence, seduction, or other means, take and carry, or entice away any slave with the like intent, shall be deemed and held, for every purpose whatever, to have stolen such slave, within the meaning of this act. And every person who, knowing any slave to be stolen as aforesaid, shall aid, assist, or advise in or about the carrying away of such slave, shall suffer the like penalties as are above prescribed against the person stealing such slave as aforesaid.

"Sec. 3. Every person who shall carry or convey, or willfully assist in carrying or conveying any slave, the property of another, with the intent or for the purpose of aiding or enabling such slave to escape out of this Territory, or within this Territory, and beyond the control or recovery of his owner or master, or who shall willfully secrete or conceal such slave from his owner or master, shall, upon conviction thereof, suffer the same penalties as are prescribed in the foregoing section of this act. And, in any indictment preferred against any person for the violation of any of the provisions of this act, the property in the slave shall be well laid, if charged to belong to any person having an interest in such slave, whether such interest be legal or equitable, present or future, joint or several, vested or contingent."

But here, sir, I am met with another objection by gentlemen of the Republican party. They say they never can agree to any amendment of the Constitution which admits the right of property in a human being—that you cannot by any law chattelize humanity, to use a favorite expression of the gentleman from Connecticut, [Mr. FERRY.]

Now, sir, let us go back and see what your fathers, as well as mine, thought in regard to this right of property in slaves. In the laws of Massachusetts, I find the following, passed in 1693: "A law forbidding to trade or truck with any Indian, mulatto, or negro servant or slave, or other known dissolute and disorderly person, of whom there is just cause of suspicion; and such person to be punished by whipping for so trading." I read from Hunt's Law of Freedom and Bondage, a book written and published in Boston, pages 262 and 263. In 1703, same page, I find "An act restraining the emancipation of mulatto or negro slaves without giving security to the town that they should not become chargeable." And chapter four, "An act that Indians, mulattoes, and negroes, shall not be abroad at night after nine o'clock." And we find this character of legislation running through the legislative proceedings of all the northern States, treating negro slaves, as we now do, as property; regulating their action, and keeping a wholesome espionage over their habits and conduct. Thus thought and acted your Puritan forefathers on this subject.

But I now desire, sir, to call the attention of the members on this floor from New England to a very curious fact in their history. I read, sir, from the same volume, note on pages 268 and 269. In May, 1643, a confederacy to be known as the United Colonies of New England was entered into at Boston by delegates from Plymouth, Connecticut, and New Haven, and the general court of Massachusetts; and among the articles of agreement, a portion of the eighth is as follows:

"It is also agreed that if any servant run away from his master into any of these confederate jurisdictions, that, in such case, upon certificate of one magistrate of the jurisdiction out of which the said servant fled, or upon other due proof, the said servant shall be delivered either to his master or to any other that pursues him, and brings such certificate or proof."

This, sir, was the first fugitive slave act adopted on the continent of America, giving the right to the master to reclaim his fugitive slave upon the simple certificate of one magistrate, and enacted by your Puritan fathers. Did they not think there could be property in man? And the fugitive slave law which some States of the North now nullify, is not half so stringent in its terms as this. And acting upon this right, I find in 2 Hazard, from page 57 to page 69, in 1646, a correspondence between the commissioners for the United New England Colonies, and Governor Keift, of New Netherlands, in which the commissioners hold the following language:

"An Indian captive, liable to public punishment, fled from her master at Hartford, is entertained in your house at Hartford, and though required by the magistrate, is, under the hands of your agent there, denied; and we hear she is either married or abused by one of your men. Such a servant is part of her master's estate, and a more considerable part than a beast. Our children will not long be secured if this be suffered."

To which Governor Keift said, in reply :

"So far as concerns the barbarian handmaid, although it be apprehended by some that she is no slave, but a free woman, because she was neither taken in war, nor bought with a price, but was in former time placed with me by her parents for education."

Now, sir, we find no such thing urged here as that there can be no property in man; but we find your fathers and mine holding slaves as property; enacting laws by which they might be recaptured if they should escape from one colony to another; and actually demanded, not as a person, but in the very language of the demand, as a part of their *master's estate*. Are you more conscientious than your Puritan fathers? It will be hard for you to convince the civilized world of that fact. But, sir, I find in the treaty of peace with Great Britain, in 1783, signed by Richard Oswald, John Adams, Benjamin Franklin, John Jay, and Henry Laurens, a distinct recognition of the right of property in slaves. The seventh article of that treaty concludes as follows:

"All prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbor, within the same."

I would ask gentlemen of the North if Franklin and Adams and Jay could admit, in the very treaty of our independence, that the right of property in slaves existed, in order to secure our liberties, if they, their descendants, cannot now recognize the same right in order to perpetuate them? Or have you sunk to such an unfathomable depth below the lofty and ardent patriotism of your fathers that you are incapable of the sacrifice? If this be so, then indeed, sir, do I despair of the Union. Sir, that Representative who hears me on this floor to-day, and is not willing to yield up every partisan feeling which he may have heretofore entertained; who is not willing to incur political annihilation to give peace to this distracted land, is unfit to represent the rights of freemen. For myself, sir, I am willing to do anything which will not sacrifice the honor or material and vital interests of those I represent, to settle these differences. As to any poor opinions which I may entertain, I will yield them without a moment's hesitation. Let us confer together, not as members of this or that party, not as representatives of this party platform or that party platform, but as Americans—the representatives of the greatest, freest, most cultivated, and intelligent people of the earth—discarding all party ties and shackles, and make a fair and honorable adjustment of this dispute between our respective sections.

I ask permission, sir, to call the attention of gentlemen to the concluding part of article first of the treaty at Ghent, signed by John Q. Adams and others, where slaves are again solemnly recognized as property. And I again appeal to the Representatives of New England, can you not safely sanction what both the Adamsses have done?

"Shall be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property."

I would also call to the notice of the House, in this connection, an opinion of Chief Justice Parsons, of Massachusetts, decided in 4 Massachusetts Reports, (p. 127,) in the case of *Winchedon vs. Hatfield*, in which the learned judge holds this language:

"Slavery was introduced into this country soon after its settlement. The slave was the property of the master, subject to his orders and to reasonable correction for misbehavior."

And as the last and crowning authority upon this point, I give an extract from the opinion of the chief justice of the United States, Judge Taney. He says, in delivering the opinion of the court in *Dred Scott's case*:

"Now, as we have already said in an earlier part of this opinion, upon a different point, *the right of property in a slave is distinctly and expressly affirmed in the Constitution.* And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. *The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights.*"

And upon these authorities I think we may safely assume that this is not now an open question; it has been settled in every possible way, by solemn treaty with foreign nations, by the legislation of both the colonies and the Congress, and by the adjudication of the courts. Then, sir, I ask why may we not at once adopt this proposition as a compromise of our differences in regard to the Territories? If adopted, the territory of the whole United States would be divided very nearly in proportion to their respective populations between the North and the South. To the North would be given 1,795,965 square miles for a population of nineteen million, and to the South 1,203,741 square miles for a population of twelve million; the partition being as follows:

<i>Free.</i>	<i>Sq. miles.</i>	<i>Slave.</i>	<i>Sq. miles.</i>
Maine.....	35,000	Delaware.....	2,120
New Hampshire.....	9,200	Maryland.....	11,124
Vermont.....	10,212	Virginia.....	62,361
Massachusetts.....	7,800	North Carolina.....	50,704
Rhode Island.....	1,306	South Carolina.....	34,000
Connecticut.....	4,750	Georgia.....	58,000
New York.....	47,000	Alabama.....	50,700
New Jersey.....	8,300	Florida.....	59,268
Pennsylvania.....	46,000	Kentucky.....	37,680
Ohio.....	39,964	Missouri.....	65,350
Indiana.....	33,809	Arkansas.....	52,196
Illinois.....	55,410	Tennessee.....	45,000
Michigan.....	56,451	Mississippi.....	47,156
Wisconsin.....	53,924	Louisiana.....	41,346
Iowa.....	55,045	Texas.....	274,356
Minnesota.....	83,591		
Oregon.....	95,274		<u>890,382</u>
California.....	188,981		
	<u>832,017</u>		
		<i>Territories.</i>	
Kansas.....	126,233	New Mexico.....	256,309
Nebraska.....	342,438	Indian.....	67,020
Minnesota.....	81,960		
Washington.....	193,071		<u>313,329</u>
Utah.....	220,196		<u>890,382</u>
	<u>963,948</u>		<u>1,203,741</u>
	<u>832,017</u>		
Total.....	<u>1,795,965</u>	Population.....	12,000,000
Population.....	19,000,000		

Mr. Speaker, we can never have peace between the North and the South, in my judgment, on this question of slavery, without a line of partition; on the north of which slavery shall be prohibited, and on the south of which it shall be allowed and sustained. Then the agitators in both sections would be silenced; for there would be no debatable ground; there could be no dispute. Our fathers seeing this radical difference of opinion between the North and the South, divided the original territory, at the close of our war of independence, or soon thereafter, giving to the North five States—Ohio, Indiana, Illinois, Michigan, and Wisconsin—and giving to the South four States—Kentucky, Tennessee, Alabama, and Mississippi. We have seen that they again partitioned the Louisiana purchase by this very line, in 1820, and

again run this line through Texas; and now it is proposed to run it through to California from the Rio Grande, and thus forever settle this dispute. Neither party can say it has conquered in this unhappy strife; for you of the Republican party get the old Missouri line reaffirmed and re-established, the repeal of which gave birth to your party; and the principles of the Chicago platform will be applied to all that portion of the common territories lying north of the line of $36^{\circ} 30'$ north latitude, while the South gets slavery protected in all of the Territory lying south of the line during its territorial existence.

Nor are those who advocated the doctrine of popular sovereignty, as applicable to the Territories, precluded from the support of this proposition because of its inconsistency with that doctrine. This proposition proposes to make an amendment of the Constitution, so as to make that constitutional in express terms which you have heretofore denied was warranted by that instrument; while we of the constitutional Union party get that which we have long and earnestly labored for—a final settlement of the slavery agitation upon terms fair and honorable to all sections. Then, sir, why can we not all, with one voice, sustain and support it as a fair adjustment and compromise? This, sir, will give quiet to a distracted and agitated land, and peace, like a Halcyon, will again sit on our waters.

The second, third, and fourth propositions merely forbid Congress to do that which the Republicans profess not to desire to do—to abolish slavery in the forts, arsenals, and dock-yards; to abolish slavery in the District of Columbia, and the inter-State slave trade; and this proposition is to place it out of your power, so as to relieve you of the temptation and us of the apprehension in regard to these matters.

Article five is to give to the owner pay for slaves forcibly or fraudulently taken from him by mobs; to which I hear no serious objection. These are the leading features of this proposition. It is not, sir, what each individual man would be willing to accept, that should engage our deliberations; but what propositions will heal the wounds that now afflict our common country, call back our sisters who have, in a moment of anger, become estranged, and once more form the family circle around our national hearthstone. Sir, I am not wedded to any set phrases, or to any man's proposition. I am willing, ready, and eager to accept substantial justice at the hands of the North at any moment. I care not who makes the proposition; nor will I cavil about words; this I prefer to any which has yet been offered. It would be political empiricism in us to pass as a compromise that which would not reconstruct our shattered Union, and hush the wild storm which now sweeps over the land. And this proposition, or some proposition with this as a basis, must be passed to effect that desired object.

Mr. Speaker I now pass to the consideration of the propositions of the majority of the committee of thirty-three, as reported by their chairman, [Mr. CORWIN,] not stopping to consider the first amendment—that of Mr. BURCH, of California, which is a proposition for a convention of all the States. As a compromise of our differences, I regret that a conscientious discharge of what I regard as my duty to my constituents will compel me to withhold my assent from many of the measures offered by the committee. I stand with my distinguished colleague, who served on the committee, [Mr. NELSON,] in opposition to the propositions of the committee, and in favor of that offered by Mr. CRITTENDEN. I would state, sir, that I can never give my assent to the following resolution, which is one of the series offered us by the committee of thirty-three:

“Resolved, That we recognize slavery as now existing in fifteen of the United States by the usages and laws of those States; and we recognize no authority, legally or otherwise, outside of a State where it so exists, to interfere with slaves or slavery in such States, in disregard of the rights of their owners or the peace of society.”

This, sir, expressly excludes slavery from even a recognition in the Constitution of the United States; although the Supreme Court declares, as we have heretofore seen, that it is expressly recognized in the Constitution as property, and that it is the duty of the Federal Government to guard and protect the owner in his right to his property in his slave, and places even the right of property exclusively in the laws of the State. Now, sir, it is true that slavery existed in some of the States before the Constitution was formed, and consequently exists independently of it; but when that instrument was formed, it expressly recognized it as a portion of the property of the citizens, and which the Government is bound to protect and defend.

In regard to the right of the General Government to abolish slavery in the District of Columbia, or in places under the exclusive jurisdiction of Congress, situate in slave States, and the inter-State slave trade, they say that the committee does not deem it necessary to take action, as there are no propositions from any quarter to interfere with slavery therein.

Now, sir, I submit to the distinguished gentlemen who compose the majority of that committee, if this is meeting the question fairly. Surely it cannot have been forgotten by the gentlemen of this committee that, at the last session of this Congress, Mr. BLAKE, of Ohio, introduced a resolution, affirming not only the right, but the duty of Congress to abolish slavery wherever it had exclusive jurisdiction; and it was voted for by a considerable portion of the Republican party. And then, sir, if the fact that no one is proposing to move in the subject be reason sufficient for the committee to withhold any proposal in regard to it, I would inquire who is proposing to abolish slavery in the States? And yet the committee propose an amendment to the Constitution to prevent this—a right which is not claimed by any one on this floor but expressly repudiated. The proposed change in the present law for the rendition of fugitive slaves is, in my judgment ill-timed; and can have no other effect than to create in the minds of southern men bad feeling and excitement. And it not only lessens the efficiency of the law, in my judgment, but adds very materially to the trouble and costs of reclaiming a fugitive slave. But my time will not permit me to go more fully into this matter, and I must pass on to the last proposition of the committee—the proposed amendment of the law for the rendition of fugitives from justice—which is as follows:

“Amendment of the act for the rendition of fugitives from justice.”

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person charged, by indictment or other satisfactory evidence, in any State, with treason, felony, or other crime, committed within the jurisdiction of such State, who shall flee or shall have fled from justice and be found in another State, shall, on the demand of the executive authority of the State from which he fled upon the district judge of the United States of the district in which he may be found, be arrested and brought before such judge, who on being satisfied that he is the person charged, and that he was within the jurisdiction of such State at the time such crime was committed, of which such charge shall be prima facie evidence, shall deliver him up to be removed to the State having jurisdiction of the crime; and if any question of law shall arise during such examination, it may be taken on exceptions by writ of error to the circuit court.”

Now, sir, I will read the provision in the Constitution in regard to the rendition of fugitives from justice. It says:

“A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on the demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.”

Now, sir, it is proposed not to deliver the fugitive upon a charge, as is provided in the Constitution, but it must be proven that he was in the State at the time the crime is alleged to have been committed. Can gentlemen have forgotten that at this very time there is a controversy between the States of Virginia and Ohio, growing out of the John Brown raid? One of Brown's sons and a Mr. Merriam are charged as accessories before the fact to the murders committed at Harper's Ferry. The Governor of Ohio refuses to give them up to Virginia, because he alleges that the defendants were not in Virginia at the time of the Harper's Ferry murders; and this amendment comes very opportunely in support of Governor Dennison. Sir, whatever may be the strict rule of criminal law, we cannot long be at peace with a coterminous Government, much less a confederate State, which will permit its citizens to fit out armed bands of marauders against our peace, or furnish poison to our slaves, and be shielded by their State from punishment. I can never vote for this amendment, sir; which, if adopted, will, I fear, lead to much mischief and infinite trouble. But there are many of the propositions of the committee for which I thank them, and for which I shall vote with cheerfulness. I hail them as the Arctic voyager does the first gleam of the returning light, as the harbinger of the full and complete day. But, sir, taken as a whole, and as a settlement of our differences,

I am forced in candor to say it is not equal to the emergency, and will not settle our differences.

Mr. Speaker, much of this unhappy disturbance grows out of the fact that slavery, as it exists at the South, is misunderstood and misrepresented at the North. You of the North are told, and some of you no doubt believe, that slaves at the South are held to be and treated as mere property—as brutes. This is a mistake; and I here challenge a comparison with you, as to the treatment of your laborers and ours. Sir, in Tennessee it is murder to kill a slave; it is a penitentiary offense to maim him. We have no paupers, whether from age or misfortune; the young and the old, the valuable as well as the worthless, are alike cared for and protected. How is it with you?

Mr. BINGHAM. I desire to ask the gentleman from Tennessee a question: suppose a white man maim a slave in your State, is he allowed to be a witness against the person who has maimed him?

Mr. QUARLES. No, sir; a slave is not permitted to testify in any case in Tennessee against a white person.

Mr. BINGHAM. In Ohio any man who is maimed by another has the right to testify against him in court.

Mr. QUARLES. Well, sir, that only shows that you have a different rule in your State in regard to who shall be witnesses in court from that which we have in Tennessee. We seek not to disturb those rules, and will not in any way interfere with your State policy. This is a matter for each State to regulate for itself. But I would ask the gentleman who cares for your poor, unfortunate operatives, when sickness, old age, or physical misfortune overtakes them—the orphan and the widow—among your laboring class?

Mr. BINGHAM. I answer the gentleman, the whole community. We have infirmaries in every county.

Mr. QUARLES. So have we, sir; but there are no slaves in them. We have no pauper slaves. The owner is forced by law to give them everything that is necessary for their comfortable subsistence.

Mr. BOULIGNY. With the permission of the gentlemen from Tennessee, in connection with the remark he has just made, I will cite an example in my own State, Louisiana. While I was in New Orleans last November, a planter residing in my district was arrested, and brought before the court for the ill-treatment of his slaves; and he could not find bail in the whole district, and was sent to prison; and was, after a time, admitted to bail in the sum of \$1,000 to answer the charge.

Mr. QUARLES. Similar cases, I have no doubt, could be cited from every slave State. You misunderstand our system of labor; it is not the harsh, barbarous thing it has been represented to you to be. Sir, after the relationships of husband and wife, parent and child, guardian and ward, and the collateral relations growing out of the ties of consanguinity, the next nearest with us is that of master and slave. They are the happiest, best clothed and cared for laborers that the sun of heaven shines upon.

Mr. Speaker, in one hour I cannot discuss all the questions of high and vital interest presented in those reports and resolutions; but I cannot take my seat without making an earnest appeal to gentlemen of the Republican party to come forward like men capable of grappling with and controlling the events by which we are surrounded, and make an honorable adjustment of these matters.

Gentlemen say, I will not grant any terms of compromise to South Carolina. Sirs, it is not South Carolina who asks it; I ask it in the name of Virginia, the mother of States and of statesmen, in whose sacred bosom lie entombed Washington, Jefferson, Madison, and Monroe; in the name of North Carolina, who even now, amid the excitement which rages on her southern border, sits firmly enthroned on her lofty conservatism, conscious of her own strength should occasion call for its exercise. I ask it in the name of Kentucky, who is ready, in defense of the Union, to rebaptize her soil with the name of the dark and bloody ground. I ask it in the name of my own noble and gallant State, every pulsation of whose great heart is for the Union.

Sirs, let us go back to the purer days of the Republic, and catch the spirit of our fathers. Let us remember that southern blood gushed in living streams down the slopes of Bunker Hill, and that the bones of northern patriots whiten the field of Yorktown; that hand in hand our fathers tracked the snows of the Delaware with the blood that trickled from their unshod feet. Let us recall the hallowed memories that hang around

the heights of the Hudson and linger along the shores of the Schuylkill and the Brandywine. Let us forget this bitter feud that has grown up between our sections, and banish forever this apple of discord from our halls of legislation. Sir, can it be that our glorious Union is to be dissolved?

"Say, can the South sell out its share in Bunker's hoary height?
Or can the North give up its boast of Yorktown's closing fight?
Can ye divide with equal hands a heritage of graves?
Or rend in twain the starry flag that o'er them proudly waves?"

No, sir; no. May the God of our fathers forbid it! For when that direful event shall happen, the sun of our glory will have set, and it will set without a twilight. Pass these propositions of the distinguished Senator from Kentucky, [Mr. CRITTENDEN,] and you will send a thrill of joy through the national heart, from the "pearly strand of the Atlantic to the golden lip of the Pacific;" and every heart will leap with gladness as the glorious old banner floats out to the free breezes of heaven with every star gleaming on it.

But I am asked, what will Tennessee do in this crisis? Sir, she will exhaust every honorable means of compromise; she will appeal to you, as she is now doing through her commissioners sent here to confer with those of other States; and if she finds you incapable of the sacrifice of your party prejudices to save our glorious Union, she will appeal to your constituents—"from Philip drunk to Philip sober;" her action will be deliberate, conservative, patriotic, and temperate. No State values more highly the inestimable blessings of the Union. She will do everything except tarnish her unsullied honor to preserve it. No rashness will mark her counsels; but she will be guided in all she may do by a high sense of duty to herself and a fervid and glowing love of her whole country. She will stand as the "day's man" between the fierce and contending extremes of North and South; and with the olive branch of compromise in each hand, she will say in accents of affection, "Let there be no strife between you."

But, sir, if, in an evil hour, led on by rash, inconsiderate, and extreme men, you should attempt, under any pretext, however plausible, to subjugate her, or one of her sister States of the South, by force of arms,

"At once there'll rise so fierce a yell,
As all the fiends from Heaven that fell,
Had pealed the banner cry of hell!"

And she will stand the dread arbitrament of the sword. This, in my opinion, is her position; and in this position, I am proud to say I concur, with my whole heart; but, sir, whatever may be her choice or her fate in this dark hour, I, as one of her sons, will abide it; and, in the language of Ruth to Naomi, say to her: "Whither thou goest I will go; where thou lodgest I will lodge; thy people shall be my people, and thy God my God."

